

# **EXHIBIT C**

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Attorneys for Defendant PACIFIC GAS AND ELECTRIC  
COMPANY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

PACIFIC GAS AND ELECTRIC COMPANY,

Defendant.

Case No. 14-CR-00175-WHA

**DECLARATION OF** [REDACTED]

Judge: Hon. William Alsup

1 I, [REDACTED], declare as follows:

2 1. I am currently a Manager in Pacific Gas and Electric's ("PG&E")  
3 Vegetation Management ("VM") Program.

4 2. In July 2018, when the Carr Fire began, I was a VM regional manager in  
5 the North Valley region. In that role, I was responsible for overseeing the post-Carr Fire  
6 restoration work performed by PG&E contractors. In my role, I typically made plans and  
7 strategic decisions for the post-Carr Fire response as a whole and supervised the field operations  
8 leadership. Day-to-day direction of work and management of crews were handled by others.  
9 For example, I did not assess trees in the field or review tree assessments done by others.

10 3. The work done in the post-Carr Fire restoration was extensive, resulting in  
11 the removal of many thousands of trees. My overarching direction to our contractors was to  
12 mark for removal trees that had been fire damaged and were tall enough to strike our lines. This  
13 was intentionally conservative guidance on the side of safety. I was aware that an experienced  
14 arborist may look at trees that have been damaged by fire and, depending on the species and the  
15 amount of burn, determine that it was not necessary to fell the tree. But I wanted the guidance  
16 during the post-Carr work to be conservative, particularly as many of the pre-inspectors  
17 performing that work were not as experienced as our Routine VM foresters.

18 4. Zogg Mine Road in Igo, California, is served by PG&E's Girvan 1101  
19 distribution circuit and was one of the areas impacted by the Carr Fire. Even before the Carr  
20 Fire, Zogg Mine Road had for many years been a challenging area to conduct VM activities.  
21 Many residents opposed VM work on Zogg Mine Road because they did not want trees to be cut.  
22 In addition, the road itself is narrow, which can cause access and traffic issues for residents when  
23 tree crews are working in the area.

24 5. Over the years, inspectors with PG&E's Routine VM program who  
25 conducted annual patrols of Zogg Mine Road had some success in building trust and  
26 relationships with residents so that necessary VM patrols and tree work could be done without  
27 customer incidents. In order to avoid disruption of ongoing Routine patrols, new crews had been  
28

1 brought in to handle the post-Carr Fire response. As a result, contractors who worked on the  
2 post-Carr Fire response along Zogg Mine Road were generally unfamiliar to the residents.

3 6. It was reported to me that on September 24, 2018, a resident of Zogg Mine  
4 Road ( [REDACTED] ) approached post-Carr Fire tree crews working in the area, ordered them  
5 to stop work and brandished a firearm. It also was reported to me that, the following day,  
6 September 25, 2018, Ms. [REDACTED] again approached tree crews and demanded that they leave the  
7 area, which they did. An email I received describing these incidents is attached as Exhibit 1.

8 7. Two days later, on September 27, 2018, [REDACTED] was sent to  
9 speak with Ms. [REDACTED] to attempt to address the threats to work crews. At the time,  
10 Mr. [REDACTED] was a Consulting Utility Forester for CN Utility Consulting (“CNUC”), a PG&E  
11 contractor that conducted Routine VM patrols, including of the Zogg Mine Road area.  
12 Mr. [REDACTED] knew the area and had pre-existing relationships with its residents based on his  
13 prior experience conducting these Routine VM patrols. After meeting with Ms. [REDACTED],  
14 Mr. [REDACTED] reported to me that only one tree on Ms. [REDACTED]’s property needed to be worked,  
15 that other trees initially marked for work on her property could be assessed during the next  
16 annual Routine patrol, and that she would not be a problem going forward. Attached as Exhibit  
17 2 is the email I received from Mr. [REDACTED].

18 8. Two weeks later, on October 8, 2018, I received a report that Ms. [REDACTED],  
19 the resident of Zogg Mine Road, had again confronted pre-inspectors patrolling Zogg Mine  
20 Road, threatening to “raise hell” and brandish a firearm if a neighbor’s tree was cut. I was told  
21 that the resident used profanity and had an open container of liquor in her truck. Attached as  
22 Exhibit 3 is the email I received reporting this incident.

23 9. Although I cannot pinpoint the date now, I recall concluding that it would  
24 not be appropriate to send post-Carr Fire personnel into areas where they were likely to come in  
25 contact with a reportedly armed individual who was confronting workers. After the incidents  
26 with Ms. [REDACTED], I recall making inquiries about obtaining security support for tree crews,  
27 including from state law enforcement. Attached as Exhibit 4 is an email that I received on  
28

1 October 18, 2018 from [REDACTED], a PG&E VM Program Manager in the Redding area  
2 who worked for me. In that email, Ms. [REDACTED] asked about whether I had a date when  
3 security would accompany tree crews to the Zogg Mine Road location. In that email she stated  
4 that she “guess[ed] there [were] about 30 trees that need[ed] to be worked in that area.” I do not  
5 recall the precise volume of work that remained to be done at that point. Also attached as  
6 Exhibit 5 are emails between myself and other PG&E personnel reflecting some of the inquiries I  
7 made to procure security services to assist with outstanding tree work on Zogg Mine Road. I do  
8 not recall being able to obtain the assistance of law enforcement.

9 10. At some point, I recall making a decision to rely on PG&E’s Routine VM  
10 patrols of the area for any remaining work on Zogg Mine Road from the post-Carr Fire effort.  
11 As part of their patrols, Routine VM inspectors would walk the entire line, assess the  
12 surrounding trees, and determine which if any potential hazard trees needed to be removed or  
13 otherwise worked. My expectation was that this individualized inspection and determination  
14 would include any trees that had previously been marked for work by the post-fire inspectors.  
15 Though I do not recall a specific conversation, I believe I would have told Ms. [REDACTED] about  
16 this decision in one of our regular conversations, because she oversaw the Routine patrol work. I  
17 do not recall discussing the decision with others, though it is possible I did.

18 11. I understand based on PG&E records that from October 10 to 26, 2018,  
19 Mr. [REDACTED] conducted a Routine inspection of the Girvan 1101 circuit along Zogg Mine Road  
20 in the area of interest and that all trees marked by Mr. [REDACTED] as needing trimming or removal  
21 in the area of interest were worked by mid-February 2019. Mr. [REDACTED] was an experienced,  
22 certified arborist with a strong reputation.

23 I declare under penalty of perjury under the laws of the United States that the  
24 foregoing is true and correct. Executed on March 2, 2021 in Live Oak, California.

# **EXHIBIT 1**

To: [REDACTED]  
 From: [REDACTED] [TO=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3AFC79EF57CF4CBFBE826E20F8AE9F1B-[REDACTED]]  
 Sent: Wed 9/26/2018 9:39:41 AM (UTC-07:00)  
 Subject: Re: 9/25/18 incident Zogg Mine road

Thanks [REDACTED]

From: [REDACTED]  
 Sent: Wednesday, September 26, 2018 7:58:32 AM  
 To: [REDACTED]  
 Subject: Fwd: 9/25/18 incident Zogg Mine road

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From: [REDACTED]  
 Sent: Tuesday, September 25, 12:04 PM  
 Subject: 9/25/18 incident Zogg Mine road  
 To: [REDACTED]  
 Cc: [REDACTED], [REDACTED]

To whom it may concern:

On 9-25-2018 at around 0730 hours I received a call from my assistant [REDACTED] concerning [REDACTED] at [REDACTED]. He said the Core Tree crews did not want to go up to the area without a PI because a lady brandished a firearm on 9-24-2018. She did not point it at anyone. Neither [REDACTED] nor myself were made aware of the situation until the morning of 9-25-2018. The tree crews were going up Zogg Mine Rd.; however, they were trying to go past [REDACTED]'s property not access her land. At 0837 hours [REDACTED] called me and told me the tree crews had been turned around and told to leave by [REDACTED]. [REDACTED] also explained that he spoke with [REDACTED], and she was upset because a traffic controller had blown an air horn in her ear and insulted her. [REDACTED] then told me he had all 3 of the tree crews waiting in a turnout on Zogg Mine Rd. and the traffic control team was waiting at the turnout at the Igo Inn. At roughly 0900 hours I arrived at the Igo Inn and gathered as much information as I could from the traffic controllers. [REDACTED] explained to me that yesterday (9-24-2018) she had a traffic stop set up and told [REDACTED] not to enter the zone. According to [REDACTED], [REDACTED] made a derogatory remark, ignored the cones, and then went right through the traffic stop. [REDACTED] said she then blew her air horn at [REDACTED]. [REDACTED] was accompanied by [REDACTED] who said she was in the back of the truck at the time and was not part of the exchange.

At roughly 0930 hours I arrived at the turnout where the Core Tree crews were parked and began questioning them. [REDACTED] helped interpret some of what the Spanish speaking members of the crew were saying. They explained that on 9-24-2018 at around 0800 hours [REDACTED] came up the road, stopped at their job site and told the crews they were not to cut any more trees on her property. She then lifted the lid to her center console and showed them a fire arm. They said they did not know where her property line began and cut down one of her trees after the exchange one 9-24-18. It was this later interaction with [REDACTED] when she ignored the traffic zone established by [REDACTED] and [REDACTED]. On 9-25-2018 the Core tree crews tried to park on the side of the road on Zogg Mine Rd. and [REDACTED] told them they could not park on her property. So they moved and [REDACTED] followed them until they pulled over and she told them they were still on her property and that they needed to leave. That is when [REDACTED] had them all go down to the turnout on Zogg Mine Rd.

At around 1100 hours [REDACTED] contacted [REDACTED] and they had agreed to take a look together and see if we had any more trees to work on her property; however, he was redirected back to the PG&E office.

Traffic Control:

[REDACTED]  
 [REDACTED]

Core Tree crew:

██████████ | ARCHAEOLOGIST ~ CONSULTING UTILITY FORESTER

**MOUNTAIN G. ENTERPRISES, INC.**

██████████  
1180 Iron Point Rd, Suite 350; Folsom, CA 95630



*To archeologists, the human past is owned by no one. It represents the cultural heritage of everyone who has ever lived on Earth or will live on it in the future. Archaeology puts all human societies on an equal footing.*

-Brian Fagan, 1996

**From:** ██████████  
**Sent:** Tuesday, September 25, 2018 11:40 AM  
**To:** ██████████  
**Subject:** 9/25/18 incident Zogg Mine road

9-25-2018

7:15 After the morning MLU meeting I was told by one of our tree crews on the 24th that a ██████████ ( the property owner) had approached them in the morning and said don't cut any trees on her property. The tree crew moved up the road and worked on other trees in the area. The tree crew worked the whole day moving back in the direction towards ██████████ property and at the end of they day they were back on or near her property and ██████████ told them again that she didn't want any work done on her land. I'm not sure what time on the 24th but I was told that ██████████ had shown one of the tree crews her gun and they all thought that is was kind of a joke and that she was not really threatening them.

7:30 I called my supervisor that I would be accompanying the crews up towards her property in case there was another issue.

8:20 I was in the back of the caravan of people headed up Zogg mine road when I turned into a pullout to park and



walk up, the trucks up ahead were turned around and driving back down the road. The tree crews let me know that [REDACTED] was behind them and telling them they could not be up there. I told the tree crews to head down to a pull out further down the road and I would talk to her before we did anything else. I walked up to [REDACTED], who was in her truck, and spoke with her.

[REDACTED] asked who I was and who we worked for, I informed her, then she proceeded to tell me that one of the traffic control workers [REDACTED] had been swearing at her had be insulting her as well as blowing an air horn in her ear. A few minutes into my conversation with [REDACTED] the traffic control truck drove back up the road to see where we were going to start working. [REDACTED] pointed at her and said that if she saw that traffic control pair near her road that she would press charges over the air horn. I walked to the traffic controllers and told them to head down the road back to the Igo Inn parking lot to wait until further notice. [REDACTED] reiterated that she did not want any tree work done on her property or she would get PG&E as well as law enforcement involved. I told her that we would turn around the crews working in her area and that we will talk to her before any other work gets done. I also told [REDACTED] that we had A tree Crew (Tubit) working up the road past her property and that we had a chipping crew working at the top of horse canyon road. She was okay with that and said that they would not be an issue because it was not her property.

8:30 I called [REDACTED] and [REDACTED] to let them know what happened and had the Core Tree crews wait while We figured out where to send them. I let [REDACTED] and [REDACTED] know we were standing by and was told to wait for [REDACTED] to meet me and figure out our plan for the day.

[REDACTED] from Atlas (safety inspector) drove by and I stopped him and filled him in on the situation as well as [REDACTED] From Davey. [REDACTED] turned around and headed to Igo to speak with the traffic control team.

[REDACTED]  
consulting utility forester

Mountain G Enterprises 1180 Iron point Road, Folsom, CA

# **EXHIBIT 2**

To: [REDACTED]  
From: [REDACTED] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=479CACB5E6904316A4DE5388F3C7BBFE-[REDACTED]]  
Sent: Thur 9/27/2018 5:36:03 PM (UTC-07:00)  
Subject: Zogg Mine Rd request from [REDACTED]

To whom it concerns;  
On September 27 2018, [REDACTED] met with [REDACTED] @ 1400 to look at her property to see what still needs to be cut and cleaned up.  
She was very nice with me and she is fine with us going back tomorrow to start cleaning up the trees that we cut.  
There is only one black locust tree that needs to be trimmed and all of the trees that were originally signed up have been delisted.  
Some of those trees will be addressed during routine inspection.  
Starting tomorrow morning, the cleanup crews are going to chip all of the limbs and cut every tree into 4' lengths and leave the trunks where they lay.  
[REDACTED] only request is to never send the flagger from the previous days back on Zogg Mine Rd in the future. [REDACTED] will not be a problem if we stick to these requests from her.

[REDACTED]  
Consulting Utility Forester // [CNUC](#)  
Certified arborist-applicator// [REDACTED]

[REDACTED] [mobile](#)  
[REDACTED] [main](#)  
[REDACTED] // [LinkedIn](#) // [Employee Owned](#)

# **EXHIBIT 3**

To: [REDACTED]  
Cc: [REDACTED]  
From: [REDACTED]  
Sent: Mon 10/8/2018 4:14:26 PM (UTC-07:00)  
Subject: Incident on Zogg Mine Rd. 10/08/18  
[REDACTED] [Incident 10-8-18.docx](#)  
[REDACTED] [Incident 10-8-18.docx](#)

\*\*\*\*\*CAUTION: This email was sent from an EXTERNAL source. Think before clicking links or opening attachments.\*\*\*\*\*

To Whom it may concern,

I received a call from [REDACTED] at 1037 hours on 10/08/18; however, I was unable to answer the phone at the time. I tried calling him back but cell service is spotty on Zogg Mine Rd. So I decided to drive up there and find my PIs out in the field to see what they needed. When I met with them they informed me that [REDACTED] had blacked out at least one of her neighbor's trees and told the PIs that no tree crew would touch the tree she blacked out. Furthermore, she would brandish her firearm again if she saw someone cutting the tree. The tree is a live oak with a healthy canopy, but it has a massive burned out cat face and presents a hazard to the PG&E facilities. [REDACTED] also claims that PG&E tree contractors left trash everywhere they worked (Aerial Aces Construction is also working on the communication lines on Zogg Mine Rd.) The reports from the two PIs involved in the situation are included in this email. [REDACTED] and [REDACTED] also mentioned that [REDACTED] had an open container of liquor in the center console and beer in the bed of the truck.

[REDACTED] : [REDACTED]

[REDACTED] : [REDACTED]

Best regards,

[REDACTED] | ARCHAEOLOGIST ~ CONSULTING UTILITY FORESTER

MOUNTAIN G. ENTERPRISES, INC.

[REDACTED] | [REDACTED]

1180 Iron Point Rd, Suite 350; Folsom, CA 95630



*To archeologists, the human past is owned by no one. It represents the cultural heritage of everyone who has ever lived on Earth or will live on it in the future. Archaeology puts all human societies on an equal footing.*

-Brian Fagan, 1996

# **EXHIBIT 3.1**

At about 10:30am a lady named [REDACTED] approached us about a tree in on her property that keeps getting marked, then tells us well it's my neighbor's tree but they are out of town and want her to tell us not to cut it. She said her neighbor wants it left and if we take it she is going to raise hell and may pull out her gun like last time. She stated this several times. She then stated that she has painted the tree black a few times to cover up the green paint, but some "dumbass" keeps painting it again. She then asked me to mark off the tree and repaint it black, So at about 10:40am (to defuse the situation) I followed her to the tree and painted it black (to make her happy until I could call a supervisor). She then followed me back to meet up with the other guys and then started complaining about all the trash the tree workers are leaving on the hill side she is now cleaning up. We took a few crates of garbage and put it in our truck.

At this point [REDACTED] then called [REDACTED] to try and let him know what was going on. [REDACTED] at this point drove up to Igo to check on us and was then told about the situation with [REDACTED].

[REDACTED]



# **EXHIBIT 3.2**

Approximately 10:30 am a homeowner ( [REDACTED] ) approached [REDACTED] and I as we were waiting for our other co-workers to scope out a parking position uphill from us. She asked us to show her I.D. and wanted to know who we were and why we were there. We were parked across the street from her property when we were speaking to her. She used vulgar language and asked who were the f\*\*\* idiots were that painted a tree on her neighbor's property down the road. She said that tree crews or whoever was on her property left trash all over the place and she pointed out a bucket in the back of her truck that was full of bottles etc. This was part of the reason she was not happy with seeing us near her property. [REDACTED] then de-escalated the situation by offering to paint the tree that was marked. However, the tree has a large cavity and needs to be removed because of the proximity to the lines.

[REDACTED] :

[REDACTED]

# **EXHIBIT 4**

**To:** [REDACTED]  
**From:** [REDACTED] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6B5DC2F2FFB84D07AB166F61052FEF1C-[REDACTED]]  
**Sent:** Thur 10/18/2018 1:49:54 PM (UTC-07:00)  
**Subject:** Corporate Security on the Carr Fire

Howdy,

Just talked to [REDACTED] and he asked if you had gotten a date for CS to show up with the tree crews to work the Zogg mine location? I guess there are about 30 trees that need to be worked in that area.

[REDACTED]

# **EXHIBIT 5**

To: [REDACTED]  
Cc: [REDACTED]  
From: [REDACTED] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0AAF63BE0AF64D4B85B465B1136A3A75-[REDACTED]]  
Sent: Wed 10/24/2018 5:23:49 PM (UTC-07:00)  
Subject: Re: Contract with Shasta County

Sure. Let's talk tomorrow

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From: [REDACTED] <[REDACTED]>  
Sent: Wednesday, October 24, 2018 5:02 PM  
To: [REDACTED]  
Cc: [REDACTED]; [REDACTED]  
Subject: Re: Contract with Shasta County

[REDACTED],

Would you be willing to use your local contacts to see if we can put something together?

Thanks,  
[REDACTED]

---

From: [REDACTED]  
Sent: Wednesday, October 24, 2018 4:56:36 PM  
To: [REDACTED]  
Cc: [REDACTED]; [REDACTED]  
Subject: RE: Contract with Shasta County

Classification: [Internal](#)

[REDACTED]: CHP has a reimbursable services program, but generally limit their involvement to matters impacting roadways within their jurisdiction. Not being familiar with your intended work area, if it doesn't directly impact a state or county maintained roadway under CHP's jurisdiction, they're likely to decline. Notwithstanding, you can always contact them directly and inquire. Not being certain of the work location, here's the two Shasta County CHP contact #s:

Redding CHP  
2503 Cascade Blvd., Redding  
530.225.0500

Mt. Shasta CHP  
618 West Jessie St., Mt. Shasta  
530.926.2627

[REDACTED]  
This message has been marked as [Internal](#) by [REDACTED] on Wednesday, October 24, 2018 4:56:34 PM  
*Added by Titus Classification Suite (required for ODN NERC info users)*

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From: [REDACTED]  
Sent: Wednesday, October 24, 2018 4:40 PM  
To: [REDACTED] <[REDACTED]>  
Cc: [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>  
Subject: Re: Contract with Shasta County

Alternatives? We have substantial work to complete (3 to 5 days) in an area that has a hostile customer who routinely threatens our personnel. The Sherriff's department has made it clear they do not have the resources to stand by to protect our people.

Thanks,  
[REDACTED]

---

From: [REDACTED] <[REDACTED]>  
Sent: Wednesday, October 24, 2018 4:34 PM  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: Contract with Shasta County

Classification: [Internal](#)

[REDACTED]: I checked with the Shasta Sheriff's Office administration and they advise they do not participate in a reimbursable services type program that would permit their deputies to be hired out for security services on a private contract basis.

[REDACTED]

[REDACTED]

Corporate Security Sr. Investigator  
Pacific Gas and Electric Company  
5555 Florin-Perkins Road  
Sacramento, CA 95826

E-mail: [REDACTED] | Office: [REDACTED] | iPhone: [REDACTED]

To contact a Corporate Security Investigator during non-business hours, please call the Corporate Security Control Center at 1-800-691-0410.

This message has been marked as [Internal](#) by [REDACTED] on Wednesday, October 24, 2018 4:34:07 PM

*Added by Titus Classification Suite (required for ODN NERC info users)*

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From: [REDACTED]  
Sent: Wednesday, October 24, 2018 11:48 AM  
To: [REDACTED] <[REDACTED]>  
Subject: Contract with Shasta County

[REDACTED],

Shasta county is unable to provide standby for a good deal of work that needs to take place to mitigate the risks created by the Carr fire. I understand we could set up a contract with Shasta County Sherriff to provide off-duty officers for whom we would be billed.

What does it take to get this going?

Thanks,  
[REDACTED]